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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/828,567	04/09/2001	Katsuo Ito		6500

7590 05/03/2004

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EXAMINER

SCHIFFMAN, JORI

ART UNIT	PAPER NUMBER
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3677

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/828,567	Applicant(s) ITO, KATSUO	
	Examiner Jori R. Schiffman	Art Unit 3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2004.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4, 11 and 12 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 4, 11, and 12 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Newhall (US 1179449) in view of Karitzky (1374924) and Place (US 2144895).

Regarding claim 4, Newhall discloses an improved board anchor for securing a board to a wall member 14, the wall member having an opening 20 formed therethrough, the board anchor comprising a threaded shaft 3 having a longitudinal axis, a freely rotating anchor section 2 attached to the screw shaft, the anchor section comprising a channel shaped member having spaced apart, downwardly extending flange portions 13, each flange portion having a shaped opening 8 formed therein, a rotatable threaded attachment ring 5, the threaded shaft 3 being threadedly coupled to the attachment ring prior to the insertion of the anchor portion within the wall member opening, the attachment ring protrusions and shaped openings enabling the threaded shaft to be initially positioned substantially parallel to the longitudinal axis within the wall member and repositioning the anchor section to a first position substantially perpendicular to the screw shaft longitudinal axis after exiting the wall member, the shaped openings and attachment ring acting together to lock the anchor section in the first position. Newhall

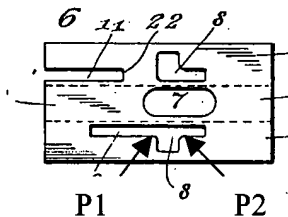
fails to disclose the attachment ring having first and second protrusions formed on the perimeter of the ring, the protrusions adapted to engage the corresponding opening formed on the anchor section. Karitzky teaches the equivalence of corners (Figs. 3 and 6) and protrusions (Fig. 7) on an attachment ring to more securely fasten the attachment ring on the anchor section. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to include first and second protrusions on the perimeter of the attachment ring of Newhall as disclosed in Karitzky to prevent the attachment ring from inadvertently becoming loose from the shaped openings of the anchor section. This more secure connection would ensure that the boar anchor stays in place once installed. Modified Newhall fails to disclose the anchor section having an elongated portion with a threaded hole. Place teaches an elongated portion 6 with a threaded opening 4 adapted to engage the threaded screw shaft to perform a self-locking action (col. 4, l. 19-24). It would have been obvious at the time the invention was made to a person of ordinary skill in the art to modify the anchor of modified Newhall's toggle bolt to have an elongated portion and threaded hole as disclosed in Place so the screw can tightly engage with the opening and perform a self-locking action, and so it will stay in place once installed. Once the combination is made, modified Newhall discloses the shaped openings 8 and attachment ring protrusions functioning to position the anchor section substantially perpendicular to the screw shaft longitudinal axis so that the threaded holes in the attachment ring and elongated portion of the anchor section are aligned as the threaded shaft is rotated such that a portion of the threaded shaft extends

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through the aligned holes, and the shaped openings limit the angular rotation of the attachment ring relative to the anchor section to substantially 90°.

3. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Newhall (US 1179449) in view of Karitzky (1374924) and Place (US 2144895) as applied to claim 4 above, and further in view of Newhall (US 1084289).

As to claim 11, modified Newhall discloses the claimed toggle bolt except for the shaped openings being formed by first and second spaced apart protrusions extending into a cavity. Newhall teaches shaped openings formed by first and second spaced apart protrusions, labeled as P1 and P2 in the Figure below, extending into a cavity 8. It would have been obvious at the time the invention was made to a person of ordinary skill in the art to modify the shaped openings of modified Newhall to that disclosed in Newhall for an alternate way of securing the attachment ring onto the anchor section.



Referring to claim 12, modified Newhall discloses sufficient space between the first and second protrusions to enable the attachment ring protrusions to extend therebetween, limiting the angular rotation of the attachment ring protrusions.

Response to Arguments

4. Applicant argues that the nut 5 of Newhall is not adapted to be used as an attachment ring. In response, the Examiner disagrees because in Figure 5 of Newhall nut 5 is being used as

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an attachment ring since it is a ring that attaches bolt 3 to the article 11. Applicant is reminded that the claims are given their broadest reasonable interpretation. The rejection is therefore maintained.

5. Applicant also argues that “the function and design of the Karitzky toggle is completely different from what is set forth in applicant’s claim 4”. In response, the examiner would like to point out that the Karitzky toggle is not being used to reject applicant’s claim 4, but rather merely the equivalence of corners and protrusions in the art. This equivalency is combined with the attachment ring of Newhall discloses the same structure as claimed by applicant. The rejection is deemed proper and is therefore maintained.

6. Applicant argues that “Place does not disclose the attachment ring/shaped openings feature”. In response, the Examiner would like to point out that Place is not relied upon to teach the attachment ring/shaped openings feature, but rather solely to teach the anchor section having an elongated section with a threaded hole. Therefore the rejection is deemed proper and is maintained.

Conclusion

7. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

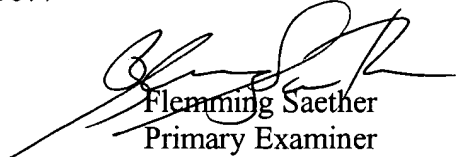
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jori R. Schiffman whose telephone number is 703-305-4805. The examiner can normally be reached on M-Th, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jori R. Schiffman
Examiner
Art Unit 3677

JS


Flemming Saether
Primary Examiner